

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

OCTOBER 15, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, October 15, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Fire Chief Thomas Walker, followed by the Pledge of Allegiance led by President Nettie Davis.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular City Council meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: #7.11 Contract for Tupelo Convention & Visitors Bureau
ADD: #8.2 Resolution Declaring Policy and Authorizing
 Transfer of Excess Revenues Over Expenditures
 To the General Fund Capital Projects Fund
ADD: #4.4.A Proclamation in Recognition of
 “Breast Cancer Awareness Month”

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton presented Sally Williams, Executive Assistant, with a plaque in appreciation for her ten years of service to the Mayor’s office and the citizens of Tupelo.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Council Members:

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Councilman Jennings – Expressed appreciation for the Community Forward Festival which had been held the previous Saturday at Gumtree Park on North Front Street. The event included a parade from the C. C. Augustus Center to the park where many activities were available for citizens to enjoy. Councilman Jennings stated he hoped others would attend next year in an effort to bring the community closer together with the Tupelo Police Department and Tupelo citizens.

President Davis – President Davis thanked all those who had participated in the Community Forward Festival as previously mentioned by Councilman Jennings. She said it was a great success with good food available and several activities, including music and dancing. She thanked all the volunteers who helped, including city departments, to make this ninth festival a wonderful event.

President Davis – President Nettie Davis congratulated Police Chief Bart Aguirre who had been sworn in the previous day at City Hall. She wished him great success on this big undertaking, noting that Chief Aguirre had come up through the ranks to reach this step in his career.

IN THE MATTER OF VARIOUS PROCLAMATIONS

Mayor Jason Shelton next presented the following proclamations in recognition of certain events and various entities:

- (1) Proclamation in recognition of “American Indian Heritage Month” being recognized during the month of November, 2013. The National Society Daughters of the American Revolution is recognizing this observance and Mrs. Susie Dent, representative of that organization, accepted the proclamation.
- (2) Proclamation in recognition of “Breast Cancer Awareness Month” being recognized in the city during the month of October 2013. Breast cancer is the leading cause of cancer death among women age 40 – 50 years in the United States with one in eight women being diagnosed with this disease during her lifetime.
- (3) Proclamation in recognition of “Domestic Violence”. The proclamation states that domestic violence violates an individual’s privacy, dignity, security, and humanity due to this terrible crime. According to statistics, one in every four women will experience domestic violence during her lifetime with children often being victims as well. The proclamation

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legal stresses domestic violence victims should have access to medical, and other services that are available and lists numerous sources of aid and support for these individuals. A news conference had been held on Monday morning at Fairpark as a kickoff to the awareness week with representatives of S.A.F.E., Inc., Downtown Tupelo and Verizon as speakers. Mayor Shelton participated in the news conference as well.

- (4) Proclamation in recognition of “Bullying Prevention” is being sponsored by the Family Resource Center in designating the first day of October to wearing orange in recognition of bullying awareness and to recognize the month of October for “Bullying Prevention” with the intent that this issue and its prevention be discussed throughout the schools and communities.
- (5) Proclamation in recognition of “The City of Tupelo’s Week of the Family”. Gina Thorlesen accepted the proclamation which recognizes that Tupelo is blessed with a multitude of families that are a part of the cultural, social and spiritual fabric of this community. During the “Week of the Family”, Tupelo residents should take time to honor the importance of families and recognize the special connections that support and strengthen them throughout the year. The week of November 4 – 10, 2013, is being observed as “The City of Tupelo’s Week of the Family” and families are invited to share in many festivities being planned for the occasion.
- (6) Representatives and officials of the Lee County Library accepted a Proclamation from Mayor Shelton recognizing October 20 – 26, 2013, as “Friends of Libraries Week” in Tupelo. The Proclamation urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

IN THE MATTER OF MAYOR’S REPORT

Mayor Shelton had earlier presented a plaque to Sally Williams, his executive assistant, for her ten years of service to the City. He, also, offered public recognition to President Nettie Davis for her hard work in organizing the Community Forward Festival held the previous Saturday at Gumtree Park.

The Mayor’s office is collecting donations for S.A.F.E., Inc. Citizens are encouraged to bring clothes, toiletries, women’s shoes and household items to be donated to this organization for the many women and children who often arrive with nothing.

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Mayor Shelton urged everyone to support this invaluable community organization.

During the past week, the Mayor had attended the Community Forward Festival at Gumtree Park; attended the Chili Festival downtown; and greeted the Tupelo High School Homecoming parade and pep rally in Fairpark on Thursday which he described as an awesome event. The Tupelo High School football team is 7 – 0 going into South Panola next Friday night. A Fitness Summit is scheduled for Thursday of this week to meet at City Hall to discuss ways to create more free public fitness activities in Tupelo. This meeting will be followed by a free public fitness event in Fairpark with several Tupelo High senior boys presenting their senior projects.

A large group of employees of UAM, a company located at Tupelo Airport, were in attendance at this meeting. Mayor Shelton thanked them for their presence and encouraged them to continue to be involved in the ongoing process between the city and UAM. He said he and the Tupelo City Council were committed to economic development and that he wants to work with UAM to find a resolution to existing problems. He advised these employees that negotiating is a two-way street and the attitude of “do this or we quit” does not work. He, also, stated that the \$1.2 million request of UAM was only a fraction of the long-term investment UAM wants from the City of Tupelo.

(President Davis then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWING OF PROPERTIES

No one appeared to address this issue.

(President Davis closed the Public Agenda and the council returned to regular session.)

6. ACTION AGENDA

No items appeared on the Action Agenda.

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7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF CITY COUNCIL MEETINGS

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the minutes of the regular council meeting of Tuesday, October 1, 2013, and the minutes of a special call meeting of the council on October 8, 2013.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Davis, and Palmer:

Check Nos. 114977 through 115350 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One Plan
as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE MANAGEMENT AGREEMENT OF ROB LEAKE CITY PARK TENNIS FACILITY

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve a Management Agreement for Rob Leake City Park Tennis Facility between the City of Tupelo, Mississippi, and Baldwin & Associates Tennis, LLC. The City of Tupelo owns the tennis facilities located at Rob Leake City Park and Baldwin is willing to undertake the obligations set forth in this Agreement in order to provide operation, maintenance and management services for the tennis facilities at this park. The agreement begins December 1, 2013, and will end December 31, 2018, unless terminated earlier under provisions set forth in the document. All other terms and conditions are set out in the executed document which is attached to these minutes and incorporated herein as **APPENDIX A.**

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IN THE MATTER OF REVIEW/APPROVE VIDEO SERVICES AGREEMENT

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve a Video Services Agreement between the BellSouth Telecommunications, LLC d/b/a AT&T Mississippi, and the City of Tupelo, Mississippi. AT&T Mississippi has a statewide franchise which allows that entity to construct, operate and maintain its telecommunications, video and like facilities in the public rights-of-way throughout Mississippi without having to obtain a local franchise or pay franchise fee. AT&T has advised the City of Tupelo that it is in the process of modifying its existing telecommunications network to provide an "IP" Network. AT&T's plans, according to the Agreement, involve the use of the public ROW. Under the terms of this agreement IP-enabled Video Services shall include any technological advances that may be used to provide video services in the future. The term of this Agreement shall be from October 15, 2013, through December 31, 2023, the term being extended upon mutual agreement of the parties. An executed copy of this Video Services Agreement is attached to these minutes and incorporated herein as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE RELEASE OF LIS PENDENS ON
PROPERTY LOCATED AT 1612 FORREST STREET**

This item was tabled at the October 1, 2013, City Council meeting and upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to bring the issue off the table for further consideration at this meeting.

The Department of Development Services has been dealing with code enforcement violations on this property located at 1612 Forrest Street since 1991 and has been pursuing current violations for over a year. The owner has requested a release of a lis pendens on the property which document is hindering him from selling to an interested buyer. Councilman Jennings moved to cancel and release the lis pendens on the property conditioned on various items that must be corrected under guidelines of the Department of Development Services; the motion was seconded by Councilman M. Bryan with vote by the council as follows:

VOTING AYE: Newell, Davis, Palmer, M. Bryan, Jennings
VOTING NAY: Whittington, L. Bryan

A copy of the list of conditions upon which the lis pendens will be cancelled and released is attached to these minutes and incorporated herein as **APPENDIX C.**

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**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE
MEETING**

Upon a motion by Councilman Palmer and a second by Councilman Newell, the council voted unanimously to accept the minutes of the Planning Committee meeting of October 7, 2013, a copy being attached hereto as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS OF PROPERTIES

Councilman Whittington moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman M. Bryan and unanimously passed by a vote of the council. The property under the name of James R. Williams, Strauss Street, should be deleted from the listing. Also, the owner of the property located at 640 Leake Street should be annotated "c/o Wells Fargo". A copy of this listing is attached to these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS OF ASSESSMENT LIENS FOR LOT MOWING CASES

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Megan Richardson; Howard Owens, et ux; Soul Winning Concerts; Sam Crayton Estate; Richard and Ethel Johnson; Leona Hamby; Denise and Larry Joe Pratt, III; Michael W. McDonald; Lois Bean & Shirley Perry; Ana T. Walker and Dudley M. Walker; Ivor J. and Ruth A. Steadman; Sam and Rosie Jefferson; Teresa R. Mosby; Carl Shannon & Sandra Johnson; Ricky Hood.

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF DECLARATION OF SURPLUS PROPERTY FORFEITED TO THE NORTH MISSISSIPPI NARCOTICS UNIT AND/OR THE CITY OF TUPELO

The North Mississippi Narcotics Unit/Tupelo Police Department had submitted a Resolution of Declaration of Surplus vehicles and items/equipment that are no longer suitable for official use and requesting that the same be declared as surplus and authorized to be sold at public auction or destroyed where sale is not practical.

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to approve this Resolution and declare the vehicles and items as surplus and authorizing the sale/disposal of same. An executed copy of the Resolution including listings is attached hereto as **APPENDIX F.**

**IN THE MATTER OF REVIEW/APPROVE TWO AGREEMENTS BETWEEN THE
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AND THE CITY OF
TUPELO**

Johnny Timmons, Director of the Tupelo Water and Light Department, had submitted two agreements for the City Council's consideration:

- (1) Water Pollution Control Revolving Loan Fund (WPCRLF) loan in the amount of \$5,521,020 for Sewer Collection Extension in Annexed Areas. This project includes installation of the following:

Approximately 3 pump stations, 4 simplex grinder stations, 73,200 LF of 8 to 12 inch gravity sewer lines, 10,450 LF of 4 to 6 inch sewer service lines 7,700 LF of 2 to 10 inch pressured sewer lines, 284 manholes and related appurtenances.

- (2) Water Pollution Control Revolving Loan Fund (WPCRLF) loan in the amount of \$2,735,000 for Wastewater Treatment Facilities Improvements (Chemical System Additions). This project is described as follows:

Chemical system additions needed for the existing wastewater treatment facility to meet NPDES permit limitations for Phosphorous and Nitrogen. The chemical system additions include components such as chemical handling, storage, pumping facilities and related appurtenances for the alum,

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polymer and alkalinity supplement.

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve these two agreements, copies of each being attached to these minutes and incorporated herein as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE CONTRACT BETWEEN TUPELO CONVENTION & VISITORS BUREAU AND CUBIC

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to approve a contract between the Tupelo Convention & Visitors Bureau and Cubic to assist in various projects for the Bureau to create a unique brand image of Tupelo. According to Cubic, the ultimate objective of these projects is to give Tupelo its own voice and its own language in order to attract new visitors and encourage additional overnight stays, especially during non-peak months of December and January. A copy of this document is attached to these minutes and incorporated herein as **APPENDIX H.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS RESOLUTION FOR THE OREN DUNN MUSEUM

At the request of Council Members M. Bryan and Newell, this item will be moved to the next agenda.

IN THE MATTER OF RESOLUTION DECLARING POLICY AND AUTHORIZING TRANSFER OF EXCESS REVENUES OVER EXPENDITURES TO THE GENERAL FUND CAPITAL PROJECTS FUND

This item had been added at the time of confirmation/ amendment of agenda at the beginning of the meeting.

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to suspend the rules and move the item up for action at this meeting.

Upon a motion by Councilman M. Bryan and a second by Councilman Whittington, the council voted unanimously to approve a Resolution Declaring Policy and Authorizing Transfer of Excess Revenues Over Expenditures to the General Fund Capital Projects Fund. This Resolution sets forth the policy of the City of Tupelo: So

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long as adequate reserve funds are maintained, excess revenues over expenditures, excluding any previously authorized transfers of the General Fund Reserves expended during the preceding budget year, may be transferred to the General Fund Capital Projects Fund with or without

designation. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX I.**

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to adjourn the regular meeting at 6:45 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR